

## § 253.9

(b) An air taxi operator (including a commuter air carrier) not operating under subpart I of part 298 of this chapter shall not be considered to have incorporated terms by reference into its contract of carriage merely because a passenger has purchased a flight segment on that carrier that appears on ticket stock that contains a statement that terms have been incorporated by reference. However, such an air taxi operator may not claim the benefit as against the passenger of, and the passenger shall not be bound by, any contract term incorporated by reference if notice of the term has not been provided to the passenger in accordance with this part.

[ER-1370, 48 FR 54591, Dec. 6, 1983]

### § 253.9 Retroactive changes to contracts of carriage.

An air carrier may not retroactively apply to persons who have already bought a ticket any material amendment to its contract of carriage that has significant negative implications for consumers.

[DOT-OST-2007-0022, 74 FR 69002, Dec. 30, 2009]

## PART 254—DOMESTIC BAGGAGE LIABILITY

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AUTHORITY: 49 U.S.C. 40113, 41501, 41504, 41510, 41702, and 41707.

SOURCE: ER-1374, 49 FR 5071, Feb. 10, 1984, unless otherwise noted.

### § 254.1 Purpose.

The purpose of this part is to establish rules for the carriage of baggage in interstate and intrastate air transportation. The part sets permissible limitations of air carrier liability for loss, damage, or delay in the carriage of passenger baggage and requires air carriers to provide certain types of notice to passengers.

[ER-1374, 49 FR 5071, Feb. 10, 1984, as amended at 64 FR 70575, Dec. 17, 1999]

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### § 254.2 Applicability.

This part applies to any air carrier that provides charter or scheduled passenger service in interstate or intrastate air transportation.

[ER-1374, 49 FR 5071, Feb. 10, 1984, as amended at 64 FR 70575, Dec. 17, 1999]

### § 254.3 Definitions.

*Large aircraft* means any aircraft designed to have a maximum passenger capacity of more than 60 seats.

### § 254.4 Carrier liability.

On any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall not limit its liability for provable direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than \$3,300 for each passenger.

[72 FR 3943, Jan. 29, 2007, as amended at 73 FR 70592, Nov. 21, 2008]

### § 254.5 Notice requirement.

In any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall provide to passengers, by conspicuous written material included on or with its ticket, either:

(a) Notice of any monetary limitation on its baggage liability to passengers; or

(b) The following notice: "Federal rules require any limit on an airline's baggage liability to be at least \$3,300 per passenger."

[72 FR 3943, Jan. 29, 2007, as amended by DOT-OST-2008-0332, 73 FR 70592, Nov. 21, 2008]

### § 254.6 Periodic adjustments.

The Department of Transportation will review the minimum limit of liability prescribed in this part every two years. The Department will use the Consumer Price Index for All Urban Consumers as of July of each review year to calculate the revised minimum

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liability amount. The Department will use the following formula:

$\$2500 \times (a/b)$  rounded to the nearest \$100 where:

a = July CPI-U of year of current adjustment  
b = the CPI-U figure in December 1999 when the inflation adjustment provision was added to part 254.

[64 FR 70575, Dec. 17, 1999, as amended by DOT-OST-2008-0332, 73 FR 70592, Nov. 21, 2008]

### PART 255—AIRLINE COMPUTER RESERVATIONS SYSTEMS

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AUTHORITY: 49 U.S.C. 40101, 40102, 40105, 40113, 41712.

SOURCE: 69 FR 1032, Jan. 7, 2004, unless otherwise noted.

#### § 255.1 Purpose.

(a) The purpose of this part is to set forth requirements for the operation of computer reservations systems used by travel agents and certain related air carrier distribution practices so as to prevent unfair, deceptive, predatory, and anticompetitive practices in air transportation and the sale of air transportation.

(b) Nothing in this part operates to exempt any person from the operation of the antitrust laws set forth in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12).

#### § 255.2 Applicability.

This part applies to firms that operate computerized reservations systems for travel agents in the United States, and to the sale in the United States of interstate, overseas, and foreign air transportation through such systems.

#### § 255.3 Definitions.

*Availability* means information provided in displays with respect to the seats a carrier holds out as available for sale on a particular flight.

*Carrier* means any air carrier, any foreign air carrier, and any commuter air carrier, as defined in 49 U.S.C. 40102(3), 49 U.S.C. 40102(22), and 14 CFR 298.2(f), respectively, that is engaged directly in the operation of aircraft in passenger air transportation.

*Display* means the system's presentation of carrier schedules, fares, rules or availability to a subscriber by means of a computer terminal.

*Integrated display* means any display that includes the schedules, fares, rules, or availability of all or a significant proportion of the system's participating carriers.

*On-time performance code* means a single-character code supplied by a carrier to the system in accordance with the provisions of 14 CFR Part 234 that reflects the monthly on-time performance history of a nonstop flight or one-stop or multi-stop single plane operation held out by the carrier in a CRS.

*Participating carrier* means a carrier that has an agreement with a system for display of its schedules, fares, or seat availability, or for the making of reservations or issuance of tickets through a system.

*Subscriber* means a ticket agent, as defined in 49 U.S.C. 40102(40), that holds itself out as a source of information about, or reservations for, the air transportation industry and that uses a system.

*System* means a computerized reservations system offered to subscribers for use in the United States that contains information about schedules, fares, rules or availability of carriers and provides subscribers with the ability to make reservations, if it charges any carrier a fee for system services. It does not mean direct connections between a ticket agent and the internal reservations systems of individual carriers.

#### § 255.4 Display of information.

(a) All systems shall provide at least one integrated display that includes the schedules, fares, rules, and availability of all participating carriers in accordance with the provisions of this section. This display shall be at least as useful for subscribers, in terms of functions or enhancements offered and the ease with which such functions or